

The communication filed on 12/11/2008 is not fully responsive to the prior Office action because of the following omissions or matters:

1. The amendment filed on 12/11/2008 replacing all claims drawn to the elected invention with claims drawn to invention that is independent or distinct from the invention originally claimed is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because they are directed to a method based on a) selecting LGS using a “plurality of specified threshold values”, and b) selecting global distance using “plurality of pre-defined distances”. The elected invention was not directed to use of parameters defined by such “plurality of specified threshold values” or “plurality of pre-defined distances”. In addition, such would constitute a new matter as neither the original claims, nor specification address use of either “plurality of specified threshold values” or “plurality of pre-defined distances”.

2. It seems that applicant does not address the art rejections that have been made in the last office action of 06/11/2008. Claims 14-18 were rejected under 35 U.S.C. 102(b); applicant addresses rejection of claim 14 only. Further, claims 14-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cristobal et al.; however, applicant addresses rejection over Zemla or Cristobal in further view of Cristobal. It is not clear that the presented arguments address the outstanding rejection of record.

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Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

In addition, applicant's attention is brought to the fact that the amendment to specification will be objected as it recites Internet executable code.

Further note, that claims 14,20,21,22 do not recite a tie to a particular machine.

Furthermore, claim 22 directed to "modifying" will be objected as not further limiting the base claim.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Borin whose telephone number is (571) 272-0713. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marjorie Moran can be reached on (571) 272-0720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Borin, Ph.D./
Primary Examiner, Art Unit 1631